

10/020,460
T36-141808M/RS

REMARKS

A Petition and Fee for One-Month Extension of time is filed concurrently herewith.

The Amendment which was filed on September 7, 2004 not having been entered by the Examiner, Applicant herein files a second Amendment under 37 C.F.R. §1.116. Applicant gratefully acknowledges the Examiner's helpful comments included in the Advisory Action dated September 30, 2004. Applicant notes that this Amendment cancels claim 4 in order to address the Examiner's concerns. Therefore, Applicant respectfully submits that the present Application is in condition for immediate allowance.

Entry of this Amendment is proper, since it merely narrows the issues on appeal and does not require a further search by the Examiner.

Claims 1-2, 5-6, 20, 23 and 25-29 are all the claims presently pending in the application. Claims 4, 8-11, 24 and 30-31 have been canceled. Claim 1 has been amended to in order to incorporate the limitation of allowable claim 24:

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges the Examiner's indication that allowable claim 24 would be allowed if rewritten in independent form. As noted above, by this Amendment, allowable claim 24 is canceled and the feature of claim 24 (e.g., "*wherein said metal nitride comprises at least one of Nb, V, Y, and Cr*") has been added to independent claim 1. Therefore, Applicant respectfully submits that all of the claims are in condition for immediate allowance.

In view of the foregoing, Applicant submits that claims 1-2, 5-6, 20, 23 and 25-29, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed

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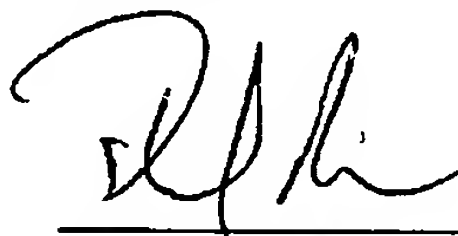
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below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 10/15/04




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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the foregoing Amendment was filed by facsimile with the United States Patent and Trademark Office, Examiner Sara Crane, Group Art Unit # 2811 at fax number (703) 872-9306 this 15 day of October, 2004.



Phillip E. Miller
Reg. No. 46,060

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